

U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE: Randolph Lee Hicks

Chapter 13  
Case No. 15-61761

Debtor(s)

**MOTION BY DEBTOR(S) TO SELL PROPERTY**  
**FREE AND CLEAR OF LIENS**

1. This action is brought by Randolph Lee Hicks, Debtor(s) in the above-captioned proceeding, to obtain this Court's permission for the sale of real estate free and clear of liens.
2. This Court has exclusive jurisdiction over the property in question under 28 U.S.C. §1334. This is a core matter.
3. The real estate of the Debtor(s), vacant property last known as 793 & 815 Kitty Fork and # 1 High House Rd, Clinton, NC, is presently assessed at \$57,972.00 and is owned by Debtor(s) and deceased mother as tenants in common with right of survivorship.
4. Said real estate is encumbered by a Tax Lien held by Sampson County, NC in the amount of approximately \$5,789.57.
5. The Debtor(s) has not claimed any interest in the property as exempt in the bankruptcy.
6. As set forth in the Chapter 13 Plan previously filed herein, the Debtor(s) wish to sell the real estate, with the net proceeds to be paid to the Chapter 13 Trustee and disbursed by him pursuant to the Plan.
7. The Debtor(s) has entered into a contract for sale of the property for \$50,000.00, a copy of which is attached hereto and incorporated herein by reference. The cover sheet of the

contract makes the contract contingent upon the approval of this Bankruptcy Court.

8. Such a sale, which would realize the full value of the real estate, would not prejudice the rights of any party, and would allow those lienholders with liens not avoidable to realize their security.

WHEREFORE, Debtor(s) requests the Court to enter an Order permitting the sale of the real estate free and clear of liens, the net proceeds being paid to the Chapter 13 Trustee to be disbursed according to the Chapter 13 Plan, and the remaining portion, if any, paid to the Debtor(s).

### **APPLICATION FOR COUNSEL FEES**

COMES NOW Marshall M. Slayton, Esq., counsel for the Debtor(s) herein, and hereby applies for his unpaid attorney's fees to be paid by the Chapter 13 Trustee as an administrative expense regarding Motion and Order for Loan Modification. Counsel for Debtor(s) certifies that the following services were or will be performed by him in connection with this matter:

1. Communication with Debtor(s);
1. Filing of pleadings, to-wit Motion and Order; and
2. Appearance at the hearing.

WHEREFORE, the Court is respectfully requested to enter an Order directing the payment of \$250.00 for attorney's fees plus \$181.00 filing fee to the undersigned counsel for the Debtor(s) as an administrative expense by the Chapter 13 Trustee.

Respectfully submitted,

Randolph Lee Hicks

By Counsel

/s/ Marshall M. Slayton  
MARSHALL M. SLAYTON, VSB #37362  
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Counsel for Debtor(s)

**NOTICE OF HEARING**

On application of the Debtor(s) in the above-entitled case, notice is hereby given of the hearing on the foregoing Motions which is scheduled to be held on 2/8/18, at 9:30 a.m. at Room 200, US Courthouse, 255 W. Main St., Charlottesville, VA.

/s/ Marshall M. Slayton

Marshall M. Slayton

1/30/18

Date

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was sent to the Bankruptcy Trustee via ECF, and was submitted to the BAE SYSTEMS Noticing Center for servicing via first-class mail to all creditors and to the Debtor(s), on 1/30/18. Certification from the BAE SYSTEMS Noticing Center will follow.

The attachment is available in CM/ECF.

/s/ Marshall M. Slayton

Marshall M. Slayton